



The Claimant's Guide To
**UNEMPLOYMENT INSURANCE
BENEFITS**

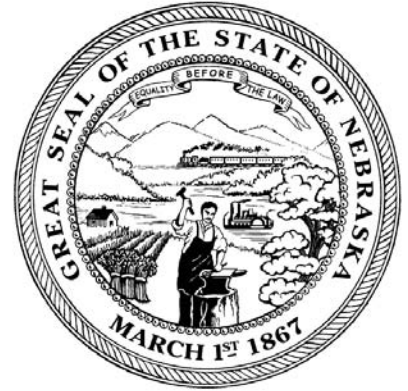
File Online At:
dol.nebraska.gov

Nebraska Claims Center
P.O. Box 94600
Lincoln, NE 68509-4600
Phone 402-458-2500
Fax 402-458-2595

TTY 402-471-0016
(Deaf and Hard of Hearing)

The Nebraska Employment Security Law (NESL), which governs unemployment insurance, can be viewed at: **dol.nebraska.gov**. Nebraska Administrative Codes (NAC) cited may also be viewed at the same Internet address.

FROM THE COMMISSIONER



DEAR NEBRASKA JOB SEEKER:

The purpose of this handbook is to assist you in navigating the process of applying for Unemployment Insurance benefits and searching for new employment in Nebraska. These benefits are an important support to you as you are experiencing this period of unemployment. These benefits are contingent upon two important things that you must do in order to receive these benefits: Register for work and actively search for work.

To this end, the Nebraska Department of Labor is here to assist you. To aid in the reemployment process, the Nebraska Department of Labor's job site, NEworks, provides you with the opportunity to register for employment services, post your resume, search job listings and apply for positions that match your qualifications. Individuals who remain actively engaged in a work search become reemployed more quickly. Please log on to: [NEworks.nebraska.gov](https://neworks.nebraska.gov).

To receive your benefits while striving to find employment, we encourage you to use our simple online application to file for unemployment insurance benefits at dol.nebraska.gov. You can file an initial unemployment insurance claim, certify your weekly eligibility or reopen a claim online 24 hours a day, 7 days a week. Initial or reopened claims may also be filed by calling the Nebraska Claims Center at 402-458-2500. All weekly claims must be filed online.

We are here to support a successful transition to new employment.

A handwritten signature in black ink that reads "Catherine D. Lang". The signature is written in a cursive, flowing style.

Catherine D. Lang
Commissioner of Labor

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THE BENEFIT CLAIM PROCESS

CHECKLIST FOR NEW CLAIMANTS

Information You Need To File An Unemployment Insurance Claim

You should apply for unemployment insurance benefits immediately when your job has ended or your employer has reduced your work hours. Your unemployment insurance claim DOES NOT begin on the date your job ended or your hours were cut back. **You must apply first.** Claims start on the Sunday of the week you submit your unemployment insurance application.

Have the following items ready before applying:

Your Information

- ☒ Social Security Number
- ☒ Name (including prior names, for example maiden or married names)
- ☒ Complete home mailing address, including ZIP code
- ☒ Telephone number
- ☒ County you live in
- ☒ Driver's license number or ID card
- ☒ Employment authorization number and expiration date (if a non-citizen)
- ☒ DD 214 Member #4 Form (if you served in the military in the past 18 months)
- ☒ If you select direct deposit, you will need your bank routing number and account number.

Your Employer's Information

- ☒ The company names for all your employers from the past 18 months as they appear on your paycheck stubs or W-2 forms
- ☒ Complete mailing addresses for those employers, including ZIP code and the city in which the business is physically located

THE BENEFIT CLAIM PROCESS

Employment History

- ☒ Your start and end dates with each employer you worked for in the past 18 months including month, day, year
- ☒ Your total wages earned with each employer and how you were paid (hourly, weekly, monthly)
- ☒ Your reason for leaving each of those employers (quit, fired, lack of work, leave of absence, etc.)

After You File Your Initial Claim

- ☒ File a weekly claim every week online at dol.nebraska.gov.
- ☒ If instructed, also do the following:
 - Register for Employment Services online at neworks.nebraska.gov. See page 7 for more information.
 - Make a minimum of two new work search contacts every week and log your contacts online at dol.nebraska.gov.
 - You may be contacted to provide work search information. Continued eligibility may be dependent on the information submitted.

NOTE: The automated features of the system require detecting the tone created by pressing keys on the telephone keypad. The tone quality of some cellular and cordless phones may affect the caller's ability to complete the call.

BENEFIT CLAIM PROCESS

BACKGROUND INFORMATION

The Nebraska Unemployment Insurance Program is governed by the Nebraska Employment Security Law *Neb. Rev. Stat. § 48-601 to 48-671* and related statutes. It is administered by the Nebraska Department of Labor, a state agency.

The purpose of unemployment benefits is to provide a temporary partial wage replacement to help those unemployed through no fault of their own to become reemployed.

Benefits are paid from the Nebraska State Unemployment Insurance Trust Fund. The fund is supported solely by a special tax on employers. No deductions are taken from employees' paychecks for unemployment insurance.

This guide is not intended to take the place of the law, but to provide you with a general understanding of some of the requirements.

WHEN AND HOW TO APPLY

To File A New Unemployment Insurance Claim

- Apply for benefits the same week you are unemployed or your hours are greatly reduced.
- File online 24 hours a day, 7 days a week at dol.nebraska.gov

OR

- Call the Nebraska Claims Center at 402-458-2500.
- Normal business hours are Monday-Friday, 8:00 am – 5:00 pm CST.

You will know the claim has been completed upon receipt of a confirmation number.

Tip: If you have Nebraska-only employment the online application is the most direct means to file a claim.

Your Privacy and Your PIN

When filing for unemployment benefits, you will choose a four-digit Personal Identification Number (PIN) to protect your privacy and ensure the utmost security. The PIN should be a number that is not obvious to others.

Do not use your address, phone number, date of birth or anything else that someone would be able to guess. Do not use numbers in sequence or repeat numbers. You will use your PIN to request benefits each week. Using your PIN keeps your data private. Losing your PIN will require that a new one is issued and may delay your payment.

REGISTRATION

REGISTRATION

Registration in NWorks

Completing the registration and creating an online resumé that employers can view in NWorks are required in order to receive unemployment insurance benefits. NWorks is Nebraska's on-line public labor exchange. It is **not** necessary to register in NWorks if you are returning to your current employer or industry, or find work through a union hall. *NESL: 48-627(1); NAC 219 Ch. 2.*

To begin the registration process, log on to neworks.nebraska.gov. If this is the first time you have logged on to NWorks, your username is your first and middle initial, last name, and last four digits of your Social Security Number (SSN). A partial registration will be established in NWorks from your unemployment insurance benefit claim. The default password for the first time you login is P@ssw0rd. In the event you already have established an account in NWorks, your previous login credentials (i.e.: username and password) are to be used. NWorks and the Unemployment Insurance Benefit System are separate systems, so it is important to check and update all data items that appear in NWorks for accuracy. Once you have verified the initial information in NWorks, click on "My Individual Profiles >> Personal Profile >> General Information" located in the left navigational bar and complete all fields on the General Information page.

On the General Information Page, complete all required information indicated by a red asterisk (*). Pay special attention to the following:

1. In the Login Information box, record your username and password; update your security question and response so you will be able to retrieve your username or password in the future.

The screenshot shows a web form titled "Login Information" with a question mark icon in the top right corner. The form contains the following fields and text:

- User Name:** Demo. To the right is a link: [Change User Name](#).
- Password:** Click here to change password. Below this is text: Last Changed: 1/22/2013 8:26:42 AM, Tedda Watts.
- * Security Question:** What is your pet's name? (dropdown menu).
- * Security Question Response:** Fluffy (text input field).

Three red arrows point to the "User Name:", "Password:", and "* Security Question:" labels. A note at the bottom right states: "It is best not to enter any non alphabetic or numeric characters."

REGISTRATION

2. In the Employment Information box, the question “Are you receiving Unemployment Insurance?” must be answered as “Yes, Claimant, not referred by WPRS.”

Employment Information

* Current Employment Status:

* Within the last 12 months, have you received a notice of termination or layoff from your job or received documentation that you are separating from military service:
☐ Yes, I have recently received a notice of termination or military separation.
☒ No, I have not recently received a notice of termination or military separation

* Type of business worked in:

* Are you receiving Unemployment Insurance?

None Selected
Yes, Claimant, referred by WPRS
Yes, Claimant, not referred by WPRS
Yes, Exhaustee
No, Neither Claimant nor Exhaustee

* Are you currently looking for work?

3. In the Desired Job box, enter your desired job title and corresponding occupation code. If a suggested occupation does not pre populate, click the Search for an Occupation link and select an occupation.

Desired Job

Please enter a job title below. As you are entering the job title, you may see a list of common job titles similar to what you are entering. If you see your job title in the list, select it.

* What is your desired job title?

Below is a list of suggested occupations based on the job title entered. If you see an occupation that matches your job title, select it and this will set the occupation.

Suggested occupation(s):

* Occupation Title: **Retail Salespersons**
* Occupation Code: **41203100**

[[Search for an occupation](#)]

After completing the information on the general information page you must select “Save” at the bottom of the page to update your profile.



REGISTRATION

The next step in completing your NEworks registration is to create an on-line resumé that must be made available for employers to view. Registered employers who are “authorized” to use NEworks will have access to view your resumé. To create your resumé, select the “Resumé Builder” link under Quick Menu in the left navigation bar; on the next page select the Create new Resumé button.



The resumé wizard provides a step-by-step process to build a complete resumé. After you select a Resumé Creation Method and enter a Resumé Title, in the resumé accessibility box, you must select the following option; “Select if you want your resumé available to employers online.” Selecting this button confirms your resume will be searchable online.

A screenshot of the 'Resumé Accessibility' section. It has a dark header with the text 'Resumé Accessibility'. Below the header is the label 'Accessibility:'. There are two radio button options. The first option is 'Select if you do not want your resumé available to employers online' and is unselected. The second option is 'Select if you want your resumé available to employers online' and is selected. A red arrow points to the selected radio button.


Once you have completed your resumé, review it and click the “Save Resumé & Return” button, found at the bottom of the page. After you have saved your online searchable resumé, the registration process is complete.




REGISTRATION

After you have saved your resumé, there are numerous options for conducting a job search, editing your resumé, creating additional resúmes, or returning to the NEworks menu of services.


What would you like to do next?




[Search for Jobs](#)
This option will let you search for jobs using the criteria you just entered into your online resume.




[Edit this Resumé](#)
This option will enable you to edit your newly created resumé.



[View all your Resúmes](#)
By using this option, you can view your current resúmes, update any existing resúmes or create a new resumé.



[Add another Resumé](#)
This option will take you to the Resumé Wizard to create a new resumé.



[Return to My Dashboard](#)
This option will take you back to your personal dashboard page where you can access additional services.

You are required to maintain an active NEworks registration and on-line resumé while you are receiving unemployment insurance benefits. Your registration will remain active if you conduct weekly online job searches in NEworks. You will receive a message through the NEworks message manager if your resumé is about to go inactive due to no activity.

To reactivate your registration, you must open and save your personal profile. To reactivate your resume for 90 days, click the “Resume Title” link, update your resume, and click the “Save and Return” button at the bottom of the resume, even if you have no changes.

If you are filing an initial Nebraska unemployment claim from another state, you must register for employment services in the state of your current residence. You will need to contact the State Department of Labor where you live for information on what is necessary to register for work. Each state has different requirements.

Note: Failure to complete a timely registration, which includes the completion of an online resumé, as directed by Unemployment Insurance, may result in denial of benefits.

BENEFIT CLAIM PROCESS

ACTIVELY SEEKING WORK

You must make an active search for work each week you claim benefits. It is required that you make a minimum of two new contacts with prospective employers in person or via mail, telephone or internet. If your claim is based on full-time earnings in the base period, your work search must be for prospective full-time employment opportunities. If your unemployment claim is based on primarily part-time employment, you are permitted to make job contacts for part-time or full-time work.

NESL: 48-627(3)(e)

You must maintain a **Work Search Log** by recording your work search contacts each week at the Department's secure web site: dol.nebraska.gov. Each work search contact entered into the log must include the date of contact, name of the person contacted, name of the employer contacted, employer's address and phone number, the position applied for and the method of contact (in person, online application or email, telephone or regular mail contact). You may log your work search contacts online as soon as you make them, before you submit your weekly claim for benefits. You may also log these work search contacts at the same time you claim your weekly benefits. However, you may not log your work search contacts after you submit your weekly claim for benefits.

Tip: If you need additional help with your work search log or weekly claim, please download instructions from our website, dol.nebraska.gov. Or you may pick up a copy of the instructions from your local Nebraska Career Center. See page 24 for locations.

Your work search log is subject to ongoing review and a disqualification from benefits will be assessed if you fail to make and report the required weekly work search.

The active work search requirement for each week benefits are claimed may be waived if you are on a temporary layoff with a definite return to work date, attached to certain industries or are a member in good standing with a union hiring hall.

NAC 219, Chap 4, NAC 219, Chap 2, 003 B

Requesting Weekly Benefit Payments (Filing Weekly Claims)

After you apply for benefits, you must request weekly benefits online at dol.nebraska.gov for every week you are unemployed or your hours are reduced. You must request weekly benefits for any week you want payment or waiting week credit, even if your eligibility is being decided or you have an appeal pending.

When you request weekly benefits, you are required to answer questions in order for the Department of Labor to determine your eligibility for that week. You are also required to enter your weekly job contacts in the online work search as part of the weekly certification process. If you fail to complete the weekly work search log, you may be disqualified for the week.

BENEFITS

You have from 12:01am Sunday to midnight on Friday to request your weekly benefits each week. You must request weekly benefits by the Friday following the most recent week end date or your request is considered late and benefits may be denied. Late requests may cause you to be ineligible for that time period. *NAC Title 219, Chap 2, 003, C, D*

Reemployment Services

The Nebraska Department of Labor participates in a special program designed to help you find work. The program selects individuals early in their unemployment and offers services that may quicken their reemployment. If you receive a notice that you have been selected, you are required to take part in this program to continue receiving your unemployment benefit payments. These services are part of a continuing program to help you find work.

NESL: 48-627(6)

WAITING WEEK

The first eligible week is called your “waiting week.” To get credit for the waiting week, you must request a payment and meet all eligibility requirements for that week. The waiting week is never paid. However, you must serve a waiting week to be eligible for payments for later weeks. There is one waiting week per benefit year. *If for any reason your benefits are denied for the beginning weeks of your request, your waiting week will be your first eligible week after the denial period.* A week that is prior to the effective date of the claim or a week that is under disqualification for any reason cannot be used as the waiting week. *NESL: 48-627 (4)*

When To Expect Your First Payment

You must request your weekly benefits every week. If there is no disqualification on your claim and you have submitted at least two requests for weekly benefits, you can normally expect your first payment within three to four weeks of when you first filed.

WEEKLY BENEFIT AMOUNT

The Weekly Benefit Amount (WBA) is set at one-half of your average weekly wage based on the highest earnings quarter of your base period, rounded down to the nearest even dollar amount. Your WBA cannot exceed one-half the State Average Weekly Wage (SAWW) as calculated annually. *NESL 48-624* You will be advised of your WBA when you receive your monetary determination in the mail.

QUALIFYING FOR BENEFITS

Earnings Requirement For Eligibility

Note: Wages must be earned from employers required to pay unemployment insurance taxes (insured employers). *NESL: 48-602(1)*. If you are not sure whether your work is insured employment, you should file a claim and request weekly benefits. An investigation will be conducted to determine if you are eligible to receive benefits.

BENEFITS

For initial claims, you must meet the minimum earnings requirements set forth by the Nebraska Department of Labor. Of this minimum amount, \$1,850 must have been paid in one quarter and \$800 in another quarter. Once these minimum requirements are met, the total number of weeks payable on the claim is determined by the total wages paid in the base period. (Total payable is one third of the base period wages paid, not to exceed 26 weeks.) *NESL 48-627(5)*.

Requalification Requirement

Under Nebraska law, you cannot collect benefits on 'back-to-back' unemployment claims unless you have worked in insured employment and earned at least six times the previous weekly benefit amount since the effective date of your prior claim. On the second claim, the minimum monetary requirements must be met. *NESL: 48-627(5)*

REGULAR BASE PERIOD / ALTERNATE BASE PERIOD

The base period is the time period of employment used to qualify you for your claim. A quarter consists of three consecutive months. Each calendar year consists of four quarters. The regular base period is the first four of the last five completed quarters at the time of your claim. Effective July 3, 2011, when eligibility cannot be established for a regular base period claim, the last four completed quarters will be examined as an alternate base period claim. *NESL: 48-602 (1)*

REGULAR BASE PERIOD/ALTERNATE BASE PERIOD **

Oct Nov Dec	Jan Feb Mar **	Apr May Jun **	Jul Aug Sept **	Oct Nov Dec **	Jan Feb Mar				
	Jan Feb Mar	Apr May Jun **	Jul Aug Sept **	Oct Nov Dec **	Jan Feb Mar **	Apr May Jun			
		Apr May Jun	Jul Aug Sept **	Oct Nov Dec **	Jan Feb Mar **	Apr May Jun **	Jul Aug Sept		
			Jul Aug Sept	Oct Nov Dec **	Jan Feb Mar **	Apr May Jun **	Jul Aug Sept **	Oct Nov Dec	

End Box in Each Row Represents Quarter Claim Filed

Shaded Area Represents Regular Base Period Quarters Used to Determine Eligibility

** Represents Alternate Base Period Quarters used to Determine Eligibility

BENEFITS

IF YOU ARE WORKING WHILE CLAIMING

Report Earnings If You Are Working

Each time you request a benefit payment, you are asked if you worked. Answer “yes” if you performed any work, even if it was temporary, part-time, or self-employment. **You must report your gross earnings** (before deductions and taxes). Earnings include wages, tips, salary, commission, cash, self-employment income, allowances for meals or lodging, vacation pay and bonuses.

You must report your earnings in the week you perform the work, not when you are paid for it. This includes the week you filed the claim for UI Benefits. If you worked for more than one employer in a week, add your earnings from all employers. For self-employment, report your weekly earnings after you deduct your direct business expenses for that week.

If you earned less than your weekly benefit amount for any claimed week, you may be eligible for partial benefits.

If your gross earnings equal or exceed your weekly benefit amount, your claim will be stopped. To reopen your claim, you may go online or contact the Claims Center **during any week you do not work or your earnings are less than your weekly benefit amount. Your reopened claim will be effective the Sunday of the week in which you call or file online.**

Failure to report all work and income for weeks that benefits are claimed will result in having to repay the benefits improperly received and may result in loss of rights to future benefits or criminal prosecution. It is important to keep accurate and complete records, should your claim be audited. *NESL:48-625*

Income That May Affect Benefit Payments

Certain types of other income may affect your benefit payment. These include but are not limited to:

- Severance, notice, or retention pay, and any other payments made because of separation from employment.
- Sick pay and holiday pay.
- Vacation pay.
- Pension or 401k payments of which a portion or the entire payment or payments were contributed by a base-period or chargeable employer, unless you roll over into another retirement fund.
- Temporary Workers’ compensation or other employer-funded insurance for loss of wages.

If benefit payments are affected by any income, you will be sent a written determination explaining the effect.

BENEFITS

RECEIVING BENEFIT PAYMENTS

Payment of Unemployment Benefits

Modern banking methods allow us to deposit unemployment benefits directly into a checking or savings account. You can select or change your payment method by logging in to your unemployment claim online 24 hours a day, 7 days a week, or by calling the automated phone system between the hours of 8:00 am and 5:00 pm, Monday-Friday CST.

Direct Deposit

Direct Deposit is the preferred method of payment because it is what most workers have been used to with their employee pay. It ensures safe, timely, and convenient payments. When filing your initial claim and selecting direct deposit, your bank routing and account numbers will be required. You will enter this information and you are responsible for its accuracy.

Incorrect information entry will result in a delay of benefit payments. Whenever you complete a new application for benefits, you must also complete a new direct deposit request, unless you want to be paid by debit card. Remember to update this information every time your banking information changes.

You are required to select a payment method when filing your initial claim. We do not issue paper checks. If you do not have a checking or savings account, we also offer payment by a US Bank debit card that is mailed to you later.

If you make no payment selection, we will default your payment method to a US Bank debit card.

A.B.A Routing Numbers Example

John Q. Public
123 Main Street
Your Town, USA 12345-6789

101

Date _____

Pay to the order of: _____

_____ DOLLARS

Memo _____

000006789 23456789 0101

Routing/Transit Number Account Number

Note: Department of Labor staff do not have the access to enter direct deposit information on your claim.

ELIGIBILITY

Debit Card

The unemployment debit card may be used to get cash at any bank that accepts Visa, at any U.S. Bank ATM, or to make purchases at any business that accepts Visa debit cards. If you are due a payment, you can expect to receive the card approximately eight days after you make your first request for benefit payment. A debit card will not be sent until an eligible payment has been processed. The card will be mailed to you in a plain white envelope. The information included with your card is important. Future payments should be on the card within five days after you request a benefit payment.

STOPPING & STARTING BENEFITS

Returning To Full-Time Work

When you return to work full-time or want to stop requesting benefit payments for any reason, no notification is needed. Just stop requesting weekly benefits. Keep your PIN and unemployment debit card (if applicable) in a safe place in case you need to start requesting benefits again.

To Reopen Your Claim

If you become unemployed again and wish to file for benefits, you must reopen your claim by going online to dol.nebraska.gov or by calling the Nebraska Claims Center. You must reopen your claim for unemployment insurance benefits during the first week your job has ended or your employer has reduced your work hours. You will not be able to file a weekly claim for benefits until you reopen your claim.

ELIGIBILITY REQUIREMENTS

To be eligible for benefits for any week, you must be:

Unemployed or Partially Unemployed

You may claim benefits if you have become unemployed or experienced reduced hours.

Available for Work You must be:

- Available four or more days to accept immediate employment during the week claimed.
- Ready and willing to accept work in your usual occupation or other suitable employment, with no undue restrictions.
- Willing to seek and accept the hours, wage, commuting distance, and other conditions of employment that are normal for someone in your occupation with your skills and experience.

Able to Work You must be physically able to work at least four days a week.

Registered for Employment Services, if required

If you are required to register for Employment Services, you must do so online at newworks.nebraska.gov. If you need assistance with the registration process, contact one of the Career Centers listed on page 24.

ELIGIBILITY

Unemployed for Reasons Other Than Layoff

If you are unemployed for any reason other than lack of work, Nebraska law requires that a process is followed to determine whether you are eligible for benefits.

- You will be asked questions about why you are unemployed.
- Your employer will be asked questions about your separation.
- Your answers will be reviewed to determine whether you are eligible for benefits.
- You and your employer will be mailed a determination to explain the decision. The determination can be appealed by either you or your employer.

ELIGIBILITY ISSUES

Eligibility Issues

An eligibility issue is any information or set of circumstances that raises a legal question about whether you should be paid unemployment insurance benefits and which can deny, suspend or reduce your benefits under Nebraska unemployment insurance laws. The department must investigate all relevant eligibility issues that apply to your claim before paying unemployment insurance benefits. For example, an eligibility issue is raised if your employment with an employer ends for any reason other than a lack of work. Some of the common eligibility issues and disqualifications for each are listed later.

We must hold your payments while we are investigating eligibility issues on your claim. However, while we are conducting the investigation, it is important that you continue to request your weekly benefits.

Tip: Please respond to all questions completely, honestly, and promptly.

Fact-Finding Interviews

IF YOU ARE INSTRUCTED TO CALL the Nebraska Claims Center about a potential eligibility issue, call immediately or as directed. If you do not call, a decision will be made on the basis of available information, which could result in a denial of benefits. You should prepare for this call by having the following ready:

- Reason for separation from your employer
- Dates when events happened causing the separation
- Names of witnesses or supervisors involved with the separation
- Written documentation such as warnings, medical slips, if applicable
- Check stubs verifying vacation pay, severance pay, holiday pay, or bonus pay, if applicable
- Any questions you may have

ELIGIBILITY

Disqualifications

Even if you have been paid enough wages from covered (insured) employment to qualify for unemployment benefits, under certain conditions, you may be disqualified from receiving benefits for week(s) that you are unemployed. Some of the conditions are listed below:

Voluntary Quit

If a person has quit a job without good cause, a disqualification is assessed for the week of the quit plus 13 weeks, as determined by the Nebraska Department of Labor. In Nebraska, good cause for quitting must be limited to the conditions of work or compelling health reasons, or quitting to escape spousal abuse. *NESL:48-628(1)*

The burden of proof for showing good cause is placed on the employee. The disqualification for quitting to accept a better job may be only two weeks if certain conditions are met. Maximum benefits payable may also be reduced when a disqualification is assessed.

Discharge for Ordinary Misconduct

If a person is discharged from a job for misconduct, a disqualification is assessed for the week of the discharge plus 14 weeks, as determined by the Nebraska Department of Labor. In cases of misconduct, the burden of proof is on the employer. The employer must prove that an employee was discharged for acts or omissions that 1) damaged the employer's interest in relation to the employment; 2) the employee knew or reasonably should have known were contrary to the employer's interests; and 3) were willful or within the employee's control. Maximum benefits payable may also be reduced when a disqualification is assessed.

Discharge for Aggravated Misconduct

If a person is discharged for misconduct not considered to be willful and flagrant or unlawful, but which included being under the influence of any intoxicating beverage or being under the influence of any controlled substance not prescribed by a physician licensed to practice medicine or surgery, and when the person is under the influence on the work site or while engaged in work for the employer, then the disqualification includes a cancellation of wages from the employer. *NESL: 48-628(2)*

Discharge for Gross Misconduct

If a person is discharged due to an act or omission that is willful and flagrant or unlawful, that individual does not qualify for benefits on wages earned prior to the date of the act. *NESL:48-628(2)*

Refusal of Work

You may be disqualified for 12 weeks for failing to accept an offer of suitable employment or failure to accept a Nebraska Department of Labor Career Center Employment Service referral. Suitability is determined by considering a person's training and experience and the conditions in the labor market. Maximum benefits payable may also be reduced when a disqualification is assessed. *NESL:48-628(3)*

ELIGIBILITY

Ability to Work

You must be able to work four or more days of the week in order to be eligible for unemployment insurance benefits. If sickness or injury would prevent you from working four or more days, benefits will be denied. *NAC Title 219, Chap 4*

Availability for Work

You must be available four or more days of the week to accept immediate employment. You are not available if circumstances such as lack of transportation or childcare problems would keep you from going to work. To receive benefits, arrangements must be made so that these circumstances will not interfere with work. If you state you are not available for work four or more days of the benefit week you will be denied benefits for that week.

NAC Title 219, Chap 4

Attending School

If you are regularly attending school, you may be disqualified from benefits unless you were a student at the time you earned the majority of the wages in your base period. An exception may apply if you are enrolled in a training program which has been approved by the Commissioner of Labor.

NESL:48-628(7)

Approved Training Program

If you applied for unemployment insurance benefits and are planning to attend vocational training, you may apply for the Approved Training program. If your application is approved by the Commissioner of Labor, the work search requirements will be waived while you are in training until you exhaust your regular Unemployment Insurance claim. After your regular unemployment benefits are exhausted, you may be eligible for up to an additional 26 weeks of benefits if you continue your training. Tuition and school expenses are not paid under this program. Work search requirements are waived while you are receiving additional benefits under the Approved Training Program. For more information regarding this program, you may obtain the program brochure at dol.nebraska.gov or contact the Approved Training Unit at (402) 471-9000. *NAC Title 225, Chap 1*

Vacation, Severance, or the receipt of Other Payments

Benefits may be denied or reduced for any week for which your employer has made or will make such payments. Certain other types of payment from employers may be disqualifying or deductible from benefit payments. Examples include holiday pay, bonus, sick pay or workers' compensation. *NESL:48-628(5)*

School Employees

If you are employed for or on behalf of an educational institution, benefits (based on wages earned from educational institutions) may be denied between terms and/or during regularly scheduled breaks.

NESL:48-628(8)

ADDITIONAL INFORMATION

Labor Dispute

In general, individuals are disqualified for the week(s) they are unemployed due to a work stoppage resulting from a strike or lockout *NESL:48-628(4)*

DETERMINATIONS

Written Determinations (Form UI-410)

After the investigation of an eligibility issue is completed, you are normally notified of the decision in writing. A written determination explains the reason the department made the decision and how that decision affects your claim. If you do not understand your written determination, call the telephone number on the determination for assistance. If you disagree with a decision and wish to appeal, follow the appeal instructions printed on the written determination.

If either you or your employers appeal a written determination, CONTINUE TO FILE your weekly claim for benefits each week you are unemployed or are earning less than your weekly benefit amount. Any future decision in your favor will only qualify you for benefits for the weeks that have been claimed. *NESL:48-630*

APPEALS PROCESS

You have the right to appeal if you disagree with a determination. Your appeal must be received at the Nebraska Claims Center or filed online within 20 calendar days from the date the determination was mailed.

Note: You must continue to claim weekly benefits while your determination is under appeal. If you win your appeal and benefits are found payable, you will only be paid for weeks claimed.

To File an Appeal

You can file your appeal online at dol.nebraska.gov or in writing by mail or fax. If your appeal is in writing, you must state the reason you wish to appeal, include your signature, Social Security Number and employer's name. It should be sent to the Nebraska Claims Center as shown on the notice. There are two parties that may file an appeal regarding your unemployment benefits - you, the claimant, or your former employer. *NESL: 48-634*

After the Appeal is Filed

You will be notified by the Nebraska Appeal Tribunal that an appeal has been received. In a separate notice, you will be informed of the time and date of the hearing. Follow all instructions from the Appeal Tribunal to protect your own interests. If able, continue to file for weekly benefits while your appeal is pending. Also, continue to log your work search in your online log at dol.nebraska.gov. It is important that you participate in the hearing. Appeal hearings are free and a lawyer is not required,

ADDITIONAL INFORMATION

although you may be represented at your own expense. Appeal hearings are conducted by telephone conference call.

If You Disagree With The Appeal Decision

You may request by mail that the decision be reconsidered or you may appeal to the District Court. *NESL:48-638* For more information, go to dol.nebraska.gov and click on Appeal Tribunal.

BENEFIT OVERPAYMENT & FRAUD

Overpayment of Unemployment Benefits

If you are paid more than you are eligible to receive, you will be notified in writing that you have been overpaid. All overpayments must be repaid. You may contact the Benefit Payment Control Unit to set up a repayment schedule if you are unable to repay the entire amount at one time. Otherwise, weekly benefit payments may be intercepted and applied towards your overpayment. The Department of Labor can recover overpayment by intercepting your state income tax refund and/or through Civil Action. Effective January 1, 2012 the Nebraska Department of Labor can also recover your overpayment by intercepting your federal income tax refund.

NESL: 48-665

Unemployment Insurance Fraud

Failure to report information that affects your eligibility for unemployment benefits may be an act of fraud. Falsely reporting information on your initial claim application or weekly claim certifications may also be an act of fraud. *NESL: 48-663, 663.01*

Consequences of claimant unemployment insurance fraud may include: repaying benefits received, a 15% penalty based on the amount of the overpayment, losing eligibility to receive benefits now and in the future, forfeiting state and federal income tax refunds, criminal charges, jail time, and felony or misdemeanor conviction.

BENEFIT ACCURACY REVIEWS

Nebraska participates in a national information system to identify the type and cause of Unemployment Insurance benefit payment errors. The Benefit Accuracy Measurement Unit (BAM) randomly selects for audit a specific number of claims each week. A team of qualified investigators verify all data on your claim for benefits with you, your employer(s), and other sources to determine correctness of benefit payments. Areas investigated include, but are not limited to, base period wages reported by your employer(s) and used to establish benefit eligibility, the reason(s) for separation or reduction in working hours, verification of wages earned during your benefit year, and whether your activity as a claimant is of the nature and type which meets work search expectations. Additionally, audits of denied benefits are conducted using the same methods.

ADDITIONAL INFORMATION

Another accuracy review matches wage reports we receive from employers each quarter with benefit payments shown on our files to determine if your unemployment benefits were paid correctly. This automated wage and UI benefit payment cross-match reviews not only wages reported in Nebraska, but also wages reported in all other states throughout the U.S.

Incorrect or unreported wages can result in a person having to repay benefits, loss of rights to future benefits and criminal prosecution. *NESL: 48-624*.

If you are selected to participate in a Review/Audit, you are required to report. Failure to do so may result in a denial of benefits. *NAC Title 219 Chap 2, 004*

INCOME TAX WITHHOLDING

Unemployment benefits are taxable income under federal and state law. The benefits paid to you are reported to the Internal Revenue Service and to the Nebraska Department of Revenue. No income tax is withheld from your benefit payments unless you request it. If you decide to have taxes withheld, 10 percent will be deducted from your weekly benefit payment for federal taxes.

You can request, stop, or change your income tax withholding by using the online application or calling the Claims Center.

No later than January 31, you will be mailed an IRS Form 1099-UC showing the total benefits paid to you for the prior year and the federal income taxes withheld. It will be sent to your last known address. You can view and print your 1099-UC form online by logging into your account at

dol.nebraska.gov.

YOUR UNEMPLOYMENT RECORDS

Your Privacy Rights

Your individual claim records are available by calling one of the information and assistance telephone numbers. Information about your claim will only be given to you. We cannot give information to a family member.

Verifying Employment Eligibility

The Immigration Reform and Control Act of 1986 (P.L-99-803) requires all employers to verify employment eligibility of new employees. When an employer hires you, the employer will require that you show certain documents to prove your identity and employment eligibility. Failure to present the documents to your employer or the Nebraska Department of Labor may affect your eligibility for unemployment benefits.

EQUAL OPPORTUNITY STATEMENT

Equal Opportunity Is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I financially-assisted program or activity. The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIA Title I financially-assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

What to Do If You Believe You Have Experienced Discrimination

If you think you have been subjected to discrimination by your past employer, please contact the Nebraska Equal Opportunity Commission at (402) 471-2024 or 1 (800) 642-6112. If you think that you have been subjected to discrimination under a WIA Title I financially-assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with:

Bill Hetzler, EO Officer
Nebraska Department of Labor
550 S. 16th Street
P.O. Box 94600
Lincoln, NE 68509-4600
(402) 595-2960 TDD (800) 833-7352

OR

Director, Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington, DC 20210

If you file your complaint with the EO Officer, you must wait either until a written Notice of Final Action is issued, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center. If you do not receive a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the EO Officer).

If you receive a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

NDOL CAREER CENTERS

ALLIANCE

302 Box Butte Ave.
308-763-2935

BEATRICE

5109 W. Scott Rd.
Ste. 413
402-223-6060

COLUMBUS

3100 23rd St.
Ste. 22
402-564-7160

GRAND ISLAND

203 E. Stolley Park Rd.
Ste. A
308-385-6300

HASTINGS

2727 W. 2nd St.
Ste. 338
402-462-1867

LEXINGTON

1501 Plum Creek Pkwy.
Ste. 3
308-324-2064

LINCOLN

1010 'N' St.
Box 194
402-471-2275

NEBRASKA CITY

917 Wildwood Ln.
Ste. J
402-873-3384

NORFOLK

105 E. Norfolk Ave.
Ste. 100
402-370-3430

NORTH PLATTE

306 East 6th
Ste. 140
308-535-8320

Omaha

5717 F St.
402-595-3000

5752 Ames Ave
402-444-4700

SCOTTSBLUFF

505A Broadway
Ste. 300
308-632-1420

YORK

510 Lincoln Ave.
(in York County Courthouse)
402-362-5891

CLAIMS SERVICES & HOURS OF OPERATION

ONLINE

dol.nebraska.gov

File A New Claim, Reopen A Claim, Check Your Payment Status, File For Extended Benefits

24 hours a day, 7 days a week

Request Weekly Benefits

From Sunday 12:01 am to Midnight Central Time the following Friday

ReliaCard

ReliaCard.com

BY TELEPHONE

Nebraska Claims Center (402) 458-2500

You may experience longer hold times on Monday. Please consider calling later in the week.

File a New Claim, or Reopen a Claim

Claims Specialists are available Monday-Friday 8:00 am to 5:00 pm Central Time

Check Your Payment Status

24 hours a day, 7 days a week

ReliaCard (Debit card inquiries)

1(866) 276-5114

For All Other Inquiries and Assistance

Claims Specialists are available Monday-Friday 8:00 am to 5:00 pm Central Time

Deaf and Impaired Hearing

TTY Lincoln 402-471-0016

GLOSSARY OF UNEMPLOYMENT TERMS

Able and Available: You must be ready, willing and able to work. You must be prepared to start employment immediately and be physically and mentally capable of working to receive benefits. You must actively seek any work for which you are reasonably fitted by your previous training and experience and which you are capable of doing.

Additional Claim: An additional claim is filed after a break in weekly unemployment claims because of intervening employment within the benefit year.

Adjudicator: A Nebraska Department of Labor employee who makes determinations of eligibility on an unemployment insurance claim. See “determination.”

Alternate Base Period: The alternate base period is the last four completed calendar quarters prior to the calendar quarter in which your claim is effective.

Appeal: The formal request by a claimant or employer to have a determination or decision reviewed by the next higher level authority. Also see “hearing.”

Attached (Employer): You are employer attached if you expect to be recalled to your job within a reasonable amount of time.

Attached (Union): You are union attached if you obtain your work through a union hiring hall.

Back Pay Award: Wages paid for work done prior to separation from employment.

Benefit Accuracy Measurement: National information system to identify the type and cause of UI benefit errors. BAM randomly selects for audit a specific number of claims each week to investigate and verify all data with employers, claimants, and other sources to determine correctness of benefits.

Base Period: The primary base period is the first four of the last five completed calendar quarters prior to the calendar quarter in which your claim is effective.

Benefit: The amount of an unemployment insurance payment to a claimant.

Benefit Week: A calendar week which starts at 12:01 am Sunday and ends 12:00 midnight the following Saturday.

Benefit Year: The one-year period beginning with the Sunday in which the valid original claim for benefits is filed. It is during this period the claimant can receive up to 26 full weeks of benefits.

Benefit year ending date (BYE): The date an unemployment insurance claim ends and you can no longer collect benefits on your claim. This date is 52 weeks from the week you initially filed your unemployment claim. The date of the BYE for your claim can be found on our website under “View Your Claim Information.”

GLOSSARY

BPCU (Benefit Payment Control Unit): This unit checks and investigates records of benefit payments, subsequent to this Payment, to detect overpayments, underpayments and fraud. Based on their findings, appropriate legal action is initiated to adjust payments, recover overpayments and/or prosecute fraudulent overpayments.

Calendar Quarter: The 3-month periods beginning with January, April, July, and October.

1st Quarter: January 1 through March 31

2nd Quarter: April 1 through June 30

3rd Quarter: July 1 through September 30

4th Quarter: October 1 through December 31

Claim (new): A new claim is the first claim filed to request a determination of entitlement and eligibility for compensation.

Claimant: Any person seeking unemployment benefits.

Combined Wage Claim: A claim established using base period wages from Nebraska and at least one other state.

Commuter Claim: A claim filed when the claimant traveled daily from their residence outside Nebraska to their employment in Nebraska. The claimant must look for and be available for work in the Nebraska labor market. These claims are usually filed from the “border” states of Iowa, Missouri, Kansas, South Dakota, Wyoming and Colorado.

Continued Claim: A claim filed every week to receive unemployment compensation once an initial claim has been filed. Also, known as a “weekly claim” or “weekly certification.”

Covered Wages: Wages paid to an employee by an employer who is required to pay Unemployment Insurance taxes.

Determination: An official decision by the Unemployment Insurance Division regarding the unemployment claim of a person.

Disaster Unemployment Assistance (DUA): Section 407 of the Disaster Relief Act of 1974 created a program for the payment of unemployment assistance to unemployed individuals whose unemployment is a direct result of a major disaster as declared by the President of the United States.

Discharged: Fired from a job. May or may not be for misconduct. See definition of “misconduct.”

NOTE: Discharged does not mean laid off or “lack of work.” See definition for “lack of work.”

GLOSSARY

Earnings Disregard: Claimants may earn up 25% of their Weekly Benefit Amount (WBA) on their current claim without the earnings being subtracted from their weekly benefits. Any earnings over 25% of the WBA are deducted dollar for dollar from the WBA.

Exhausted Benefits: All of the benefits for which you are eligible have been paid.

Extended Benefits: Additional weeks of benefits paid during periods of high unemployment as provided by the U.S. Congress.

Fraud: The willful misrepresentation or nondisclosure of a material fact by a claimant for the purpose of obtaining benefits to which the person is not entitled.

Good Cause: In Nebraska, good cause for quitting a job is limited to: conditions of work, compelling health reasons, escaping spousal abuse, and accompanying a spouse who became employed elsewhere.

Hearing: A formal proceeding held by an Administrative Law Judge to consider an appeal of a determination concerning benefits or an employer's tax liability.

Initial Claim: Application made by an unemployed worker in which they request that their eligibility for UI benefits be determined.

Issue: A situation or potential situation that prevents an individual from being eligible for benefits. A separation issue involves reasons for leaving employment. A non-separation issue involves non-employer related factors that could prevent the claimant from being immediately ready or able to return to work.

Lack of Work: Commonly referred to as a layoff. Other examples: the temporary or seasonal employment ended; job was eliminated; there was an involuntary reduction in force; the company downsized or shutdown; the company restructured or reorganized; there was a lack of company operating funds/orders; or any other business operating reason which resulted in involuntary unemployment.

Lag Quarter: For Regular Base Period claims, the quarter (three consecutive months) prior to the quarter in which the claim was filed. See definition for "Base Period."

Maximum Benefit Amount (MBA): The total amount of Unemployment Benefits available to a claimant during a Benefit Year. The maximum MBA in Nebraska for 2013 is \$9,204.

Misconduct: A willful or wanton disregard of employer's interests. Deliberate violations of behavior that the employer has the right to expect of an employee.

Monetary Eligibility: Eligibility for Unemployment Insurance Benefits based on the gross insured wages paid to the claimant in the base period. The maximum and minimum benefit amounts are determined by law and are subject to change each year.

GLOSSARY

NEworks: A public online labor exchange operated by the Nebraska Department of Labor. All unattached claimants must register with NEworks and post an online resumé for employers to view.

Overpayment: Benefits received for which the claimant was not entitled because of a disqualification, earnings, or for other reasons.

Partial Benefits: If a claimant works and earns less than the Weekly Benefit Amount (WBA) and earns less than 25% of the WBA, the claimant may receive partial benefits. Receiving partial benefits extends the length of time benefits can be collected until the claimant receives his/her maximum benefit amount or until the benefit year ends. See “Earnings Disregard.”

PIN: Personal Identification Number. A code which allows claimants to enter their information online through the Department of Labor’s website, dol.nebraska.gov. The website allows claimants to file weekly claims as well as obtain instant information on claim status and other common claim inquiries.

Reasonable Assurance (RAS): Reasonable assurance denies school employees the use of all base period wages from all educational institutions, organizations or entities, if the services were performed in, or provided on behalf of the educational institution during the period of disqualification. If the worker has sufficient non-school earnings in the base period to qualify monetarily, benefits may be paid during the between terms denial period based on only those earnings.

Refusal: You may be disqualified for failing to accept an offer of suitable employment or failure to accept a Nebraska Department of Labor Career Center Employment Services referral. Suitability is determined by considering a person’s training and experience and the conditions in the labor market.

Register for Work (Registration): This is distinct from filing a claim for Unemployment Benefits, but is a requirement for all claimants who are not attached to an employer or a union. All claimants are required to complete a registration and online resumé in the departmental application “NEworks.” Unless the registration is complete, unemployment benefits will not be paid. Please see NEworks definition.

Reopened Claim: A claim filed after a break in filing during a benefit year. This break could be caused by illness, a disqualification, vacation, or failure to report for any reason other than employment. It is not a break resulting from other employment.

Requalification: A process by which a claimant may establish eligibility for unemployment insurance through reemployment following a determination of ineligibility and a period of disqualification.

Severance Pay: Payment given to an employee by an employer when the employee is separated from employment.

SSN: Social Security Number.

GLOSSARY

Standard Form 8 (SF-8): A form given to federal civilian employees when they are separated from employment, transferred to another payroll, or when they are on leave without pay for seven or more consecutive days.

Standard Form 50 (SF-50): An official notice of personnel action that separates a federal civilian employee from employment.

Trade Readjustment Act (TRA): Provides benefits to persons who became unemployed due to foreign trade.

UI: Unemployment Insurance.

Unemployment Compensation for Federal Employees (UCFE): Unemployment benefit program for former federal employees.

Unemployment Compensation for Ex-Service Persons (UCX): Unemployment benefit program for former military personnel.

Vacation Pay: The employer's payment of your accrued vacation time.

Voluntary Quit: Termination of employment initiated by the employee. To be eligible for benefits, a claimant must demonstrate the quit was due to "good cause." See definition for "good cause."

Waiting Week: A week of unemployment for which a claimant does not receive compensation, but must meet the same eligibility requirements to qualify for receipt of compensation for subsequent weeks of unemployment during the benefit year. In Nebraska, the waiting week is the first eligible week and is not paid.

Weekly Benefit Amount (WBA): The amount payable to a claimant for a payable week of unemployment.



Equal Opportunity Program/Employer
TDD: 800.833.7352

Auxiliary aids and services are available upon
request to individuals with disabilities.